

USDC SDNY
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DATE FILED: October 30, 2017

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

- v. -

DARCY WEDD,

Defendant.
-----X

S3 15 Cr. 616 (KBF)

ORDER

KATHERINE B. FORREST, United States District Judge:

Attached to this Order is the Court's proposed jury questionnaire, which is substantially the same as the questionnaire used in the previous trial. The parties are directed to submit any proposed changes and/or objections not later than

Friday, November 3, 2017.

SO ORDERED:

Dated: New York, New York
October 30, 2017



KATHERINE B. FORREST
United States District Judge

DRAFT #1

Juror ID: _____

(PLEASE PRINT LEGIBLY USING DARK INK)

United States v. Darcy Wedd
S3 15 Cr. 616 (KBF)

JUROR QUESTIONNAIRE

PRELIMINARY INSTRUCTIONS:

Please print your juror number in the space provided at the top of each page.
Please answer each question by placing an “X” next to your response or by providing the information requested. Please answer each question fully. Some questions have more than one part.

YOU ARE SWORN TO GIVE TRUE AND COMPLETE ANSWERS TO ALL QUESTIONS IN THIS QUESTIONNAIRE.

This questionnaire is designed to help simplify and shorten the jury selection process. The purpose of this questionnaire is to determine whether prospective jurors can decide this case impartially based on the evidence presented at trial and the legal instructions given by the presiding judge. The questions are not intended to inquire unnecessarily into personal matters. Although some of the questions may appear to be of a personal nature, please understand that the Court and the parties must learn enough information about each juror’s background and experiences to select a fair and impartial jury.

ALL INFORMATION CONTAINED IN THIS QUESTIONNAIRE WILL BE KEPT CONFIDENTIAL AND UNDER SEAL.

Please answer all questions to the best of your ability. If you do not know the answer to a question, then write, “I don’t know.” There are no “right” or “wrong” answers, only truthful answers. Do not discuss the case or your answers with anyone. It is important that the answers be yours alone. Remember, you are sworn to give true and complete answers to all questions.

THE COURT INSTRUCTS YOU NOT TO DISCUSS THE QUESTIONS AND ANSWERS WITH FELLOW JURORS. IT IS VERY IMPORTANT THAT YOUR ANSWERS BE YOUR OWN INDIVIDUAL ANSWERS.

Furthermore, the Court instructs you not to discuss anything about this case with anyone: not the lawyers (except in the presence of the Court), your fellow jurors, your family, your friends, or anyone else.

DRAFT #1

Juror ID: _____

JURY SELECTION AND SERVICE

You are being considered for service on a criminal case. **Jury selection will begin on Monday, November 27, 2017. The trial will begin immediately thereafter. The case is expected to last for three and possibly up to four weeks.** Generally, trial will be held four and a half days per week: Monday through Thursday from 9:30 a.m. until 5:00 p.m., and Friday from 9:30 a.m. until 1:00 p.m.

If you are selected as a juror, you will be required to be present for the taking of testimony and evidence for as long as the trial lasts. There are no plans to sequester the jury, which means you will go home every day after court.

Service on a jury in a federal trial is one of the highest duties a citizen owes to the United States. Mere inconvenience or the usual financial hardship of jury service will not be sufficient to excuse a prospective juror. You must show extraordinary personal or financial hardship to be excused from service.

Again, the trial is expected to last for three and possibly up to four weeks, from November 27, 2017 to December 22, 2017.

DRAFT #1

Juror ID: _____

PLEASE ANSWER THE FOLLOWING QUESTIONS:

1. The Court and the parties estimate that after a jury is selected, this case will last for **three weeks** and up to **four weeks**. Jury service is one of our highest duties and privileges as U.S. citizens, and mere inconvenience or the usual financial hardships of jury service are insufficient to excuse a prospective juror. With that in mind, would serving on this jury create an extraordinary difficulty or hardship for you?

YES _____ NO _____

Even if you answered YES, you still must answer the entire questionnaire.

- a) If you answered YES, please briefly explain the nature of the hardship.

- b) If your hardship involves already scheduled and fixed travel plans taking you out of the New York City area, please indicate the dates and purpose of your planned trip.

- c) If the hardship is financial, please describe the nature of the hardship.

Please recall that you will be paid \$40 per day for the first 10 days of trial, and \$50 per day thereafter.

- d) If the hardship involves responsibility for the care of minor children, aging relatives or someone who is disabled, please identify the person for whom

DRAFT #1

Juror ID: _____

you are caring, their age, and the nature of any disability.

2. Do you have any appointments during the next five weeks that cannot be changed?

YES _____ NO _____

3. Are you currently employed?

YES _____ NO _____

- a) If you answered YES, what is your place of employment? (Please write “student” if you are a full-time student.)
- _____

- b) If you answered YES, what are your job responsibilities?
- _____
- _____

- c) If you answered YES, how many years have you been working for your current employer?
- _____

4. Are you a salaried employee? (Answer NO if you work on commission.)

YES _____ NO _____

5. Will you be paid your salary while you serve jury duty?

YES _____ NO _____ UNSURE _____

6. Do you have any difficulty speaking, reading, or understanding English?

YES _____ NO _____

DRAFT #1

Juror ID: _____

a) If you answered YES, please briefly explain.

7. Do you have any problems with your hearing or vision or another medical condition that would prevent you from giving your full attention to this trial?

YES _____ NO _____

a) If you answered YES, please briefly explain.

8. The defendant on trial is Darcy Wedd. Do you know, or have you had any direct or indirect dealings with this individual?

YES _____ NO _____

a) If you answered YES, please briefly explain the nature of that relationship.

The defendant in this case have been charged in an Indictment. An Indictment is not evidence and is only a statement of charges; only this defendant is on trial, and he has pled not guilty to all of the charges and is presumed innocent. The Indictment in this case alleges that the defendant, and other co-conspirators, engaged in a scheme to defraud mobile phone consumers, including consumers in the Southern District of New York, by placing unauthorized charges for premium text messaging services on the consumers' cellular phone bills through a practice known as "**auto-subscribing.**"

DRAFT #1

Juror ID: _____

9. Have you or has someone close to you ever been the victim of “auto-subscribing” (as defined above)?

YES _____ NO _____

- a) If you answered YES, please briefly explain the nature of that experience.

10. If you answered YES to Question No. 9, would anything about that experience affect your ability to fairly and impartially evaluate the evidence regarding whether or not the Government has proven the guilt of the defendant beyond a reasonable doubt?

YES _____ NO _____

11. Have you or has someone close to you ever been the victim of fraudulent credit card charges such that you would be unable to listen to a case involving alleged fraudulent activity fairly and impartially?

YES _____ NO _____

12. Have you or has someone close to you ever been the victim of identity theft such that you would be unable to listen to a case involving alleged fraudulent activity fairly and impartially?

YES _____ NO _____

13. Have you ever been accused of any crime involving fraud?

YES _____ NO _____

DRAFT #1

Juror ID: _____

14. Has someone close to you ever been accused of any crime involving fraud?

YES _____ NO _____

a) If you answered YES, what is your relationship to that person?

15. Is there anything about the nature of the charges in this case that would affect your ability to fairly evaluate the evidence regarding whether or not the Government has proven the guilt of any of the defendant beyond a reasonable doubt?

YES _____ NO _____

a) If you answered YES, please briefly explain what about the nature of the charges would affect your ability to fairly evaluate the evidence.

Please sign and date below:

Name (Print)

Signature

Date